

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD ROSS HANSEN and
DIANE ERDMANN,

Defendants.

NO. CR 18-92RAJ

**GOVERNMENT'S MOTION FOR
LEAVE TO DISMISS COUNTS 2 & 7
OF INDICTMENT**

Noted: July 9, 2021

The government files this motion for leave to dismiss counts 2 and 7 of the Indictment.

Motion for Leave to Dismiss

The government now moves to dismiss counts 2 & 7 of the Indictment. These counts charge both defendants with mail fraud. Dkt. #1. The government may move to dismiss counts of an indictment by leave of court. *See* Fed. R. Crim. P. 48(a); *United States v. Garcia-Valenzuela*, 232 F.3d 1003, 1007-08 (9th Cir. 2000) (recognizing limited reasons to deny a motion to dismiss counts of indictment, including “prosecutorial harassment” and whether the motion was “contrary to the public interest”). Before trial, a

1 defendant's consent to a motion to dismiss counts of an indictment is not necessary. *See*
2 *United States v. Valencia*, 492 F.2d 1071, 1074 (9th Cir. 1974); Fed. R. Crim. P. 48(a).

3 Based on witness unavailability for the July 6 trial, the government moves to
4 dismiss counts 2 and 7.

5
6 Dated this 1st day of July 2021.

7 Respectfully submitted,

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